

Attorney Docket No. 179.210US

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USPTO FAX NO.: 703-872-9306

DEC 1 2003

ATTENTION: Examiner Gerald G. Leffers Jr.
TELEPHONE NUMBER: 703-308-6232**OFFICIAL****OFFICIAL COMMUNICATION****FOR THE PERSONAL ATTENTION OF****EXAMINER GERALD G. LEFFERS JR.****CERTIFICATION OF FACSIMILE TRANSMISSION**

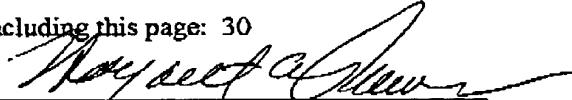
I hereby certify that the following documents in re Application of Juha Punnonen et al., Application No. 09/886,942, filed June 21, 2001, for NOVEL CHIMERIC PROMOTERS is being transmitted to Group 1600 of the US Patent and Trademark Office to USPTO facsimile phone number 703-872-9306 on the date shown below.

Documents Attached

1. Amendment (25 pages)
2. Facsimile Transmitted Form (1 page)
3. Petition to extend the period for response for one months (1 page and 1 duplicate page)
5. Fee Transmittal Form (1 page)

Number of pages being transmitted, including this page: 30

Dated: December 1, 2003


Margaret A. Powers, Reg. No. 39,804**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (650) 298-5446**

Maxygen, Inc.
515 Galveston Drive
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

30

Application Number	09/886,942
Filing Date	June 21, 2001
First Named Inventor	Juha Punnonen
Group Art Unit	1636
Examiner Name	Gerald G. Jeffers Jr.

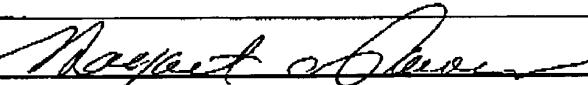
Attorney Docket Number

179.210US

ENCLOSURES (check all that apply)

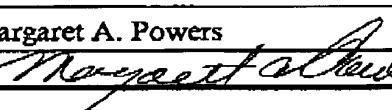
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SBAG) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	<input type="checkbox"/>
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Authorization to Charge Deposit Account Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extension of time for consideration of the documents enclosed	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Margaret A. Powers, Reg. No. 39804
Signature	
Date	December 1, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Group 1600 of the United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name	Margaret A. Powers
Signature	
Date	December 1, 2003

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	09/886,942
Filing Date	June 21, 2001
First Named Inventor	Juha Punnonen
Examiner Name	Gerald G. Jeffers Jr.
Art Unit	1636
Attorney Docket No.	179.210US

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number 50-0990

Maxygen, Inc.

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 in the above-identified deposit account

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 930	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 000.00)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20* =	X	=
Multiple Dependent	- 3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim. If not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 000.00)	

* or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 410	2252 205	Extension for reply within second month	
1253 830	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 995	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(e)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$ 110.00)

(Complete if applicable)

Name (Print/Type)	Margaret A. Powers	Registration No. (Attorney/Agent)	39,804	Telephone	650-298-5809
Signature	<i>Margaret A. Powers</i>			Date	12/01/2003

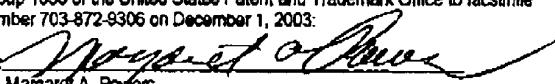
Certificate of Facsimile Transmission under 37 C.F.R. §1.8

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Typed or Printed Name	Margaret A. Powers		
Signature	<i>Margaret A. Powers</i>	Date	12/01/2003

OFFICIAL

I hereby certify that this correspondence is being transmitted by facsimile to Group 1636 of the United States Patent and Trademark Office to facsimile number 703-872-9306 on December 1, 2003.

By: 
Margaret A. Powers
MAXYGEN, INC.

Attorney Docket No.: 0179.210US
(formerly Attorney Docket No.:
02-031910US)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Juha Punnonen, et al.

Application No.: 09/886,942

Filed: June 21, 2001

For: **NOVEL CHIMERIC PROMOTERS**

Examiner: Leffers Jr., Gerald G.

Art Unit: 1636

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 30, 2003, Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. The following documents are enclosed herewith:

- 1) A Petition for Extension of Time Under 37 C.F.R. § 1.136(a) to extend the period of response for one month from October 30, 2003 to November 30, 2003 (given that November 30, 2003 is a Sunday, the period may be extended to December 1, 2003);
- 2) Fee Transmittal; and
- 3) Transmittal Form.

Please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Remarks begin on page 14 of this paper.